

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

COMMODITY FUTURES TRADING
COMMISSION

Plaintiff,

No. C 05-2142 PJH

v.

**ORDER VACATING HEARING
DATE ON MOTION TO INTERVENE**

ROBERT JOSEPH BEASLEY, et al.,

Defendants.

Before the court is the Motion to Intervene filed in this action on March 4, 2007 by Theodore F. Gradel, Sarah Gradel, Thomas A. Mazza, and James X. Maude (collectively the "movants"). The motion was noticed with a current hearing date of April 11, 2007. Prior to this, however, two days after receiving the parties' notice of settlement in this action and upon the parties' request, the court entered an order staying all further proceedings in the instant action, and setting a follow-up case management conference for May 24, 2007. See Order dated February 16, 2007.

In view of the stay currently in effect in this action, the movants' motion to intervene must be taken off calendar, and the April 11, 2007 hearing date is hereby VACATED. The court will not consider the movants' motion unless all parties bound by the stay have been given notice, and an opportunity to be heard fully, on the issue whether the stay should be lifted in order to accommodate movants' motion. Until this occurs, the court will conduct the litigation in accordance with its prior order, and all parties, as well as movants, may present their positions at the scheduled case management conference set for May 24, 2007.

In view of this order, plaintiff's motion for an order to appear telephonically at the

1 hearing on the motion to intervene, is denied as MOOT.

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3 **IT IS SO ORDERED.**

4 Dated: March 29, 2007



PHYLLIS J. HAMILTON
United States District Judge